

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOHNNY BRADFORD II,

Defendants.

8:22CR9

ORDER

This matter is before the Court on Defendant Johnny Bradford II's Unopposed Motion to Sever Jury Trials ([Filing No. 42](#)). Defendants are charged with wire fraud in a four-count indictment. Trial is set to commence on February 21, 2023. Defendant requests that his trial be severed from that of his co-defendant, Amy Shepherd. The government does not object to Defendant's motion.

Having considered the matter, the Court finds Defendant's Motion should be granted. The government can only use out-of-court statements of a non-testifying co-defendant at a joint trial if the statements are redacted to eliminate references to the other defendant. *See Richardson v. Marsh*, 481 U.S. 200, 211 (1987). In this case, based on the parties' representations, redaction of Shepard's statements to limit references to Bradford would be inadequate because the jury would still infer that the references were about Defendant. Also, redaction could lessen the evidentiary value of the statements. Therefore, severance is warranted under [Bruton v. United States](#), 391 U.S. 123 (1968).

Accordingly,

IT IS ORDERED:

1. Defendant Johnny Bradford II's Unopposed Motion to Sever Jury Trials ([Filing No. 42](#)) is granted.
2. Defendant Johnny Bradford II's trial is continued to April 4, 2023. Defendant, in his motion, waived speedy trial. The court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. The court finds that the time between the date of this order and April 4, 2023 shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would be a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B)(i).

Dated this 30th day of January, 2023.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge